

Senate File 205

H-1454

Amend Senate File 205, as passed by the Senate, as follows:

1. Page 16, after line 22 by inserting:

<DIVISION III

RAILROAD CLEARANCES AND SAFE SPACES

Sec. \_\_\_\_\_. NEW SECTION. 327F.10 Minimum clear space requirements for bridges, structures, poles, and other obstructions.

1. *Overhead clearances.*

a. The minimum overhead clearance above a railroad track that is used or proposed to be used for transporting freight cars shall be twenty-two feet, except as otherwise provided in this subsection.

b. The overhead clearance above the top rail of tracks located at the entrance to or inside a building may be less than twenty-two feet but not less than eighteen feet. However, if an overhead clearance of less than twenty-two feet exists above tracks inside a building, the movement of railway equipment shall be brought to a stop before entering the building. In switching movements requiring a number of entries, stopping is required only upon initial entry.

c. This subsection does not apply to electric wires or equipment required above tracks for the operation of trains by electric energy, provided that a carrier that conducts such an operation adopts and enforces rules which prohibit an employee from being on top of a rail car while the car is being operated under lower clearances than those provided in this subsection.

d. The overhead clearances provided in this subsection do not apply to engine houses, engine house facilities, tipples, or facilities used for servicing rail cars or for loading or unloading bulk commodities if compliance is not reasonably practicable.

e. The department of transportation may waive the requirements of this subsection for structures constructed before January 1, 2012, if the waiver will not adversely affect the safety of the public or employees of the railroad.

2. *Side clearances.*

a. The minimum side clearance from the center line of tangent railroad tracks that are used or proposed to be used for transporting freight cars shall conform with the requirements of this subsection, except that structures, including platforms and tracks, constructed or under construction prior to January 1, 2012, may be maintained at clearances existing prior to that date, and may be extended at existing clearances unless such an extension is in connection with reconstruction of the original platform.

1     *b.* The minimum side clearance between the center  
2 line of the track and any structure or obstruction  
3 above the top of the rail, except structures or  
4 obstructions specifically exempted under this  
5 subsection, shall be twelve feet.

6     *c.* (1) A platform that is four feet or less above  
7 the top of the rail, except a platform adjacent to main  
8 or passing tracks, may be less than eight feet six  
9 inches from the center line of the track on one side  
10 of such track if a full clearance of at least eight  
11 feet six inches is maintained on the opposite side of  
12 the track or the distance from the center of the track  
13 to the center of the adjacent track is not less than  
14 fourteen feet.

15     (2) A platform that is four feet six inches or less  
16 above the top of the rail, if used principally for  
17 loading or unloading refrigerator cars, shall not be  
18 less than eight feet from the center line of the track.

19     (3) A low passenger platform that is eight inches  
20 or less above the top rail shall not be less than five  
21 feet one inch from the center line of the track. A  
22 high passenger platform that is four feet or less above  
23 the top rail shall not be less than five feet seven  
24 inches from the center line of the track.

25     (4) Platforms constructed before January 1,  
26 2012, with less than the clearances prescribed in  
27 this paragraph "*c*" may be extended at such lesser  
28 clearances unless the extension is in connection with  
29 reconstruction of the original platform.

30     *d.* The side clearance, other than for platforms, on  
31 sidings only, at an entrance to a building or inside  
32 a building shall not be less than eight feet from the  
33 center line of the track.

34     *e.* Switchboxes, switch-operating mechanisms, and  
35 accessories necessary for the control or operation of  
36 signals or interlockers projecting four inches or less  
37 above the top rail shall not be less than three feet  
38 from the center line of the track.

39     *f.* The center spindle of signal and switch stands  
40 three feet or less above the top of the rail and  
41 located between tracks, if not practicable to provide  
42 the clearances otherwise prescribed in this subsection,  
43 shall not be less than six feet from the center line  
44 of the track.

45     *g.* Through bridges supporting affected track,  
46 tunnels, water columns, or oil columns shall not be  
47 less than eight feet from the center line of the track,  
48 except where special protection is required for unusual  
49 commodities.

50     *h.* (1) The clearance for through bridges

1 supporting affected track, water barrel platforms or  
2 refuge platforms on bridges or trestles not provided  
3 with walkways, handrails, water barrels, water columns,  
4 block signals, cattle guards, and stock chutes, if all  
5 or portions thereof are four feet or less above the top  
6 of the rail, may be decreased to the extent defined  
7 by a line extending diagonally upward from a point  
8 level with the top of the rail and five feet distant  
9 laterally from the center line of the track to a point  
10 four feet above the top of the rail and eight feet  
11 distant laterally from the center line of the track.  
12 However, the minimum clearance for handrails or water  
13 barrels on bridges with walkways shall be seven feet  
14 nine inches, and the minimum clearance for fences for  
15 cattle guards shall be six feet nine inches.

16 (2) The lesser clearances authorized in  
17 subparagraph (1) for handrails and water barrels do not  
18 apply to through bridges if the work of train workers  
19 or yard workers requires the workers to be on the  
20 decks of such bridges for the purpose of coupling or  
21 uncoupling cars in the performance of switching service  
22 on a switching lead.

23 *i.* The side clearances specified in this subsection  
24 do not apply to mail cranes when the arms of the mail  
25 cranes are supporting mail sacks for delivery, if the  
26 top arm is not higher than ten feet eight inches above  
27 the top of the rail and neither arm extends within six  
28 feet five inches from the center line of the track.

29 *j.* Icing platforms and supports shall have a  
30 minimum side clearance of eight feet. Except in  
31 emergencies, operations over portions of track adjacent  
32 to icing platforms constructed before January 1, 2012,  
33 with a side clearance of less than eight feet shall  
34 be restricted to the movement or switching of trains  
35 containing refrigerator cars to be iced and to the  
36 necessary use of such tracks for the unloading of  
37 supplies required for the operation of an icing dock.

38 *k.* The side clearances specified in this section do  
39 not apply to the following:

40 (1) Intertrack fences located on the center line  
41 between tracks.

42 (2) Engine houses, engine house facilities,  
43 tipples, or facilities used for servicing rail cars or  
44 for loading or unloading bulk commodities if compliance  
45 is not reasonably practicable.

46 (3) Car retarders, derails, switch point  
47 protectors, guardrails, and similar appurtenances  
48 projecting three inches or less above the top of the  
49 rail.

50 *l.* The minimum side clearances prescribed in this

1 subsection are for tangent tracks. Structures adjacent  
2 to curve tracks shall have additional minimum side  
3 clearances compensating for curvature.

4     3. *Overhead and side clearances.*

5     a. The overhead and side clearances prescribed in  
6 subsections 1 and 2 may be decreased to the extent of a  
7 line extending diagonally downward from a point four  
8 feet from the center line of the track and twenty-two  
9 feet above the top of the rail to a point eight feet  
10 from the center line of the track and sixteen feet  
11 above the top of the rail.

12     b. For tracks located at an entrance to or inside a  
13 building with an overhead clearance of eighteen feet  
14 and a side clearance of eight feet, as prescribed in  
15 this section, the overhead and side clearances may be  
16 decreased to the extent of a line extending diagonally  
17 downward from a point four feet from the center line of  
18 the track and eighteen feet above the top of the rail  
19 to a point eight feet from the center line of the track  
20 and fourteen feet above the top of the rail.

21     c. A canopy at one side of the track at a freight  
22 platform may not be less than four feet from the center  
23 line of the track if the height of the canopy is at  
24 least seventeen feet six inches above the top of the  
25 rail and if the full clearance of eight feet six inches  
26 is maintained on the opposite side of the track or the  
27 distance from the center of the track to the center of  
28 the adjacent track is not less than fourteen feet.

29     d. A shelter over a platform used for passenger car  
30 operation may not be less than four feet six inches  
31 from the center line of the track if the height is  
32 not less than fifteen feet above the top of the rail,  
33 provided that a carrier that conducts such an operation  
34 adopts and enforces rules which prohibit an employee  
35 from riding on the side of equipment if standing above  
36 car floor height.

37     4. *Clearances between parallel tracks.*

38     a. The minimum distance between the center lines  
39 of parallel tracks shall be thirteen feet six inches  
40 for main tracks and thirteen feet six inches for yard  
41 and side tracks, except as otherwise provided in this  
42 subsection.

43     b. The center line of any track except a main track  
44 or a passing track, which is parallel and adjacent to a  
45 main track or a passing track, shall be fifteen feet  
46 from the center line of such main track or passing  
47 track, except that if a passing track is adjacent to  
48 and at least fifteen feet from the main track, such  
49 other track may be constructed adjacent to the passing  
50 track with a clearance of not less than thirteen feet

1 six inches.

2     *c.* The center line of any ladder track which  
3 is parallel to another adjacent track shall have a  
4 clearance of not less than eighteen feet from the  
5 center line of such other track, except that parallel  
6 ladder tracks shall have a clearance of not less than  
7 nineteen feet from center line to center line.

8     *d.* The minimum distance between the center line of  
9 parallel team and house tracks shall be thirteen feet  
10 six inches.

11     *e.* Tracks constructed or under construction prior  
12 to January 1, 2012, may be extended without increasing  
13 the distances between tracks.

14     5. *Other conditions and obstructions adjacent to*  
15 *tracks.*

16     *a.* A railroad shall not knowingly permit  
17 merchandise, material, or other articles to remain  
18 piled or assembled on ground or platforms adjacent to  
19 any track at a distance of less than eight feet six  
20 inches from the center line of the track. A suitable  
21 line or other marker may be maintained at a distance  
22 of eight feet six inches from the center line of the  
23 track on all platforms, excluding passenger platforms,  
24 to indicate the space along the edge of the platform  
25 which must be kept clear of merchandise, material, or  
26 other articles.

27     *b.* The space between tracks ordinarily used by  
28 train workers, yard workers, and other employees as a  
29 walkway in the discharge of their duties, and the space  
30 beside such tracks within eight feet six inches of the  
31 center line of the tracks, shall be kept in reasonably  
32 suitable condition for such purpose.

33     6. *Preexisting clearances.* Except as otherwise  
34 provided in this section, if an overhead or side  
35 clearance between a track and any building, structure,  
36 or facility is less than the minimum prescribed in  
37 this section but existed prior to January 1, 2012, the  
38 minimum clearances prescribed by this section shall be  
39 required when the building, structure, or facility is  
40 relocated or reconstructed. However, the department  
41 may grant specific requests for the continuance  
42 of prior clearances at reconstructed buildings,  
43 structures, or facilities as provided in subsection 7.

44     7. *Waivers.*

45     *a.* Nothing in this section shall be construed to  
46 restrict the temporary distribution of materials or the  
47 performance of work on, over, or adjacent to tracks if  
48 the distribution or performance is necessary in the  
49 construction or maintenance of facilities or equipment,  
50 provided that the distribution or performance is

1 carried out within a reasonable time under conditions  
2 reasonably necessary to provide for the safety of all  
3 concerned, including proper notice by train order,  
4 message, or bulletin.

5     *b.* If, in any particular case, a waiver from any of  
6 the requirements of this section is deemed necessary by  
7 a carrier, the department, upon good cause shown, may  
8 grant an application by the carrier for a waiver. The  
9 request for the waiver shall be accompanied by a full  
10 statement of conditions existing and the reason why the  
11 waiver is necessary.

12     8. *Application of terms.* Wherever the terms  
13 "railroad", "railroad track", "track", "building",  
14 "entrance to or inside a building", "structure",  
15 "facility", "platform", or other similar terms are used  
16 in this section, the terms apply only to property owned  
17 by or leased to a common carrier railroad.

18     9. *Application of section.* This section shall not  
19 be construed as limiting the authority or jurisdiction  
20 of the department of transportation.

21     Sec. \_\_\_\_\_. NEW SECTION. 327F.11 **Safe space along**  
22 **railroad rights-of-way.**

23     1. For purposes of this section, "safe space" means  
24 the area encompassed within the following distances:

25     *a.* From the actual grade level to a distance of  
26 twenty-two feet six inches above the top of the rail  
27 head.

28     *b.* A distance of eight feet six inches on both  
29 sides of a perpendicular from the center line of a  
30 railroad track with a radius of not less than four  
31 hundred feet lateral curvature.

32     *c.* A distance of nine feet on both sides of a  
33 perpendicular from the center line of a railroad track  
34 with a radius of less than four hundred feet curvature.

35     2. A person shall not permit scrap iron, lumber,  
36 debris, vegetation exceeding a height of four inches,  
37 marked unevenness of terrain, or any other material or  
38 condition which endangers a railroad employee to remain  
39 or continue in the safe space over which the person has  
40 control.

41     Sec. \_\_\_\_\_. NEW SECTION. 327F.12 **Close clearance**  
42 **warnings.**

43     1. The owner of a railroad track shall place a  
44 warning device at a location where the close clearance  
45 between the track and a building, machinery, trees,  
46 brush, or other object is such that the building,  
47 machinery, trees, brush, or other object physically  
48 impedes a person who is lawfully riding the side of a  
49 train in the course of the person's duties in service  
50 to a railroad company from clearing the building,

1 machinery, trees, brush, or other object.  
2 2. The warning device shall be placed in a location  
3 which provides adequate notice to a person riding the  
4 side of a train so that the person may prepare for  
5 the close clearance. Any signs posted shall not be a  
6 danger to other persons working on the property.  
7 3. Placement of a warning device pursuant to this  
8 section does not relieve the owner of a railroad track  
9 from any duties required under chapter 317 or section  
10 327F.27.  
11 Sec. \_\_\_\_\_. Section 327F.13, Code 2011, is amended by  
12 striking the section and inserting in lieu thereof the  
13 following:  
14 **327F.13 Close clearances and safe spaces —**  
15 **enforcement.**  
16 1. *Applicability of provisions.* The provisions  
17 of sections 327F.10, 327F.11, and 327F.12 apply to  
18 matters under the purview of the state and enforceable  
19 by the department of transportation. Sections 327F.10,  
20 327F.11, and 327F.12 do not apply to the exercise of  
21 authority which a federal agency has delegated to state  
22 enforcement personnel under section 206 of the federal  
23 Railroad Safety Act of 1970, 49 U.S.C. § 20106, or any  
24 other regulation or requirement preempted by federal  
25 law.  
26 2. *Emergency orders.* If an inspector authorized by  
27 the department determines through testing, inspection,  
28 investigation, or research that a locomotive, car,  
29 or other facility or equipment of a railroad is in a  
30 condition that violates a law, regulation, or order  
31 which the department is authorized to enforce, and the  
32 condition is so hazardous as to present an imminent  
33 danger or potential danger likely to result in injury  
34 to a person, damage to property, or a breakdown of  
35 equipment, the inspector shall declare such locomotive,  
36 car, or other facility "out of service".  
37 3. *Action by inspector.* When an inspector  
38 authorized by the department declares a locomotive,  
39 car, or other facility to be "out of service", the  
40 inspector shall affix an "out of service" notice in  
41 a prominent place on the locomotive, car, or other  
42 facility. The affixing of an "out of service" notice  
43 shall constitute legal notice that the locomotive,  
44 car, or facility shall not be used or operated until  
45 all defects noted on the "out of service" notice have  
46 been repaired. Such notice shall not be removed until  
47 the defects noted by the inspector have been corrected  
48 by the railroad company and the locomotive, car, or  
49 other facility is in full compliance with applicable  
50 regulations. In the case of a track or other facility

1 for which it is not practical to affix an "out of  
2 service" notice, the inspector shall furnish immediate  
3 telephone or telegraphic notification to the owner of  
4 the track or facility in lieu of affixing an "out of  
5 service" notice, describing the specific location of  
6 the affected track or other facility, the nature of  
7 the defect, and related conditions. When an "out of  
8 service" notice has been affixed or the owner of the  
9 track has been notified, the inspector shall furnish  
10 notice by the most expeditious manner to the railroad  
11 immediately responsible for the operation of the  
12 defective locomotive, car, track, or other facility.  
13 The notice shall indicate the nature of the defects  
14 involved which caused the equipment or other facility  
15 to be placed "out of service". The inspector shall  
16 retain one copy of the notice and immediately forward  
17 one copy of the notice to the department.

18 4. *Reduction in maximum speed of track.* When an  
19 inspector authorized by the department determines  
20 the existence of a hazardous local track condition,  
21 the inspector shall furnish immediate telephone or  
22 telegraphic notification to the owner of the track  
23 that movements within defined limits of the track must  
24 be made at a reduced maximum speed, which shall be  
25 the speed applicable to the highest federal railroad  
26 administration class designation that the inspector  
27 determines is appropriate. Within forty-eight hours  
28 following the notification, the inspector shall furnish  
29 notice in duplicate to the owner of the track or to  
30 the owner's agent immediately responsible for the  
31 affected track. The notice shall indicate the full  
32 particulars of the conditions and the violations which  
33 create the local safety hazard. Such conditions or  
34 violations shall be fully repaired or otherwise brought  
35 into compliance with the highest federal railroad  
36 administration designation applicable to the speed at  
37 which trains will operate on the track in question.

38 5. *Action by railroad.* When a locomotive, car, or  
39 other facility of a railroad has been declared "out of  
40 service", the locomotive, car, or facility shall be  
41 removed from service until the defect or defects are  
42 corrected. In the case of track which is reduced in  
43 class as provided in subsection 4, the railroad shall  
44 take the steps necessary to insure compliance with the  
45 findings of the inspector. For the purpose of making  
46 necessary corrections, defective locomotive units,  
47 freight cars, cabin cars, or passenger carrying cars  
48 may be moved to the nearest available point where the  
49 unit can be repaired, provided that other similar units  
50 in suitable operating condition are also a part of the

1 consist. When the defects noted on the notice have  
2 been corrected, the railroad shall notify the inspector  
3 issuing the notice and the inspector shall inspect the  
4 locomotive, car, or other facility. If the repairs or  
5 corrections have been satisfactorily completed, the  
6 inspector shall remove the "out of service" notice.

7 *6. Reinspection — review by department.*

8 *a.* Upon issuance of an "out of service" notice,  
9 the railroad involved may request a second inspection  
10 of the locomotive, car, or other facility. An  
11 engineer designated by the department shall arrange  
12 for an immediate reinspection by a second authorized  
13 inspector. If, on reinspection, the decision of  
14 the original inspector is affirmed or modified by an  
15 engineer designated by the department, the engineer  
16 shall notify the railroad in writing that the original  
17 finding is affirmed or modified. If the decision of  
18 the original inspector is not affirmed or modified, the  
19 inspector shall immediately remove the "out of service"  
20 notice and enter an appropriate notation on the related  
21 notice to the railroad, and the restrictions of the  
22 notice shall cease to be effective.

23 *b.* If, upon reinspection, an engineer designated by  
24 the department affirms or modifies the findings of the  
25 original inspection, the railroad may, within thirty  
26 days of the affirmation or modification, request the  
27 department to conduct a hearing at which interested  
28 parties may be present and testify for the purpose of  
29 reviewing the inspections. As a result of the hearing,  
30 the department may modify in whole or in part the  
31 findings of the inspections and the actions taken by  
32 the inspectors. Actions on review may be undertaken  
33 on an expedited basis in relation to other business of  
34 the department.

35 *c.* The requirements of an "out of service" notice  
36 shall be effective pending action by the department.

37 *d.* Upon petition of a carrier based upon good  
38 cause, the department may grant a request for an  
39 extension of time for compliance with an "out of  
40 service" notice issued or modified as provided under  
41 this subsection.

42 *7. Penalties.*

43 *a.* A violation of section 327F.10, 327F.11, or  
44 327F.12 is punishable as a schedule "one" penalty under  
45 section 327C.5.

46 *b.* A violation of this section shall subject the  
47 violator to such civil or criminal penalties as may be  
48 provided by law.

49 *c.* Each day of noncompliance constitutes a separate  
50 violation. If a locomotive or car which was properly

1 equipped by a carrier subsequently becomes defective  
2 or insecure while in use by the carrier, the car or  
3 locomotive may be hauled as necessary from the place  
4 where it is in use to the nearest available point  
5 where the equipment can be repaired, and the penalties  
6 imposed under this subsection shall not apply.

7 Sec. \_\_\_\_\_. RULES. The department of transportation  
8 shall adopt rules it deems necessary to implement this  
9 division of this Act.

10 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
11 Act takes effect January 1, 2012.>

12 2. Title page, lines 3 and 4, by striking  
13 <operations and provisions relating to> and inserting  
14 <operations,>

15 3. Title page, line 5, after <programs,> by  
16 inserting <railroad clearances and safe spaces,>

17 4. Title page, line 5, after <applicable> by  
18 inserting <and including effective date provisions>

19 5. By renumbering as necessary.

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MURPHY of Dubuque